

Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
-o0o-
BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 2ND REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON JANUARY 23, 2017.

PRESENT:

HON. GREGORIO S. FACULA, MDMG	Sangguniang Bayan Member (Presiding Officer)
HON. MELFAR C. AGUILUZ	Sangguniang Bayan Member
HON. ATTY. YASMIN V. CAMPION, REA, REB	Sangguniang Bayan Member
HON. GERALD J. ABIERA	Sangguniang Bayan Member
HON. RICKY T. DELCO	Sangguniang Bayan Member
HON. NELSON C. BAER, RA	Sangguniang Bayan Member
HON. ANNA C. CAGULADA	Sangguniang Bayan Member

ABSENT:

HON. DONNA MAE B. BERNADAS, Ed. D.	Vice Mayor
HON. ADHEM F. FUNA	Sangguniang Bayan Member
HON. ANGELITO P. ORILLOSA	ABC Pres/Ex-Officio Member
HON. FRANCISCO D. BUCADON	IPMR/ Ex-Officio Member

ORDINANCE NO. 1 SERIES OF 2017
Sponsor: Hon. Atty. Yasmin V. Campion, REA REB
Co-Sponsors: All members present

ORDINANCE AUTHORIZING THE PROPOSED BORROWINGS OF THE MUNICIPALITY OF BRAULIO E. DUJALI, PROVINCE OF DAVAO DEL NORTE, IN THE AMOUNT OF TEN MILLION PESOS (P10,000,000.00) TO FINANCE THE PURCHASE OF EQUIPMENT AND INFRASTRUCTURE PROJECTS

BE IT ENACTED, as it is hereby ENACTED, by the Sangguninang Bayan of Braulio E. Dujali, in assembled that:

SECTION 1. The Municipal Mayor, **HON. ATTY LEAH MARIE A. MORAL-ROMANO**, in representation of the Municipality of Braulio E. Dujali, hereinafter referred to as the "Municipality", is hereby authorized to enter into loan contract with the LAND BANK OF THE PHILIPPINES-Bajada, Davao City Branch in accordance with Section 297 of republic Act No. 7160 or the Local Government Code, in the amount of Ten Million Pesos (P10,000,000.00) under the terms and conditions herein set forth and such other terms and conditions as may be agreed upon with any person, corporation or entity for the purpose of funding priority projects/, and subject to the requirements under Section 123 of republic Act No.7653 as implemented by the Bangko Sentral ng Pilipinas Circular No. 402. In this connection, the Municipal Mayor, **HON. ATTY. LEAH MARIE A. MORAL-ROMANO** shall have full power and authority to represent the Municipality of Braulio E. Dujali in negotiating the terms and conditions for the said borrowing and in signing, executing and delivering such agreements, contracts, deeds, papers, and documents as may be necessary and proper for the full and total implementation of the authority herein granted;

SECTION 2. The said priority projects herein specified as the socio-economic development projects in accordance with the approved Local Development Investment Plan CY 2016-2020 and Annual Investment Plan CY 2017 of the Municipality of Braulio E. Dujali which have been approved by the Sangguniang Bayan Resolution No. 2015-199, dated October 9, 2015 and Sangguniang Bayan Resolution No. 2016-167 dated November 7, 2016, respectively.

SECTION 3. Consistent with the covering loan contracts, deeds and assignment, mortgage contracts, and such agreements as maybe entered into by the Municipality of Braulio E. Dujali in connection with the borrowing, the features, terms and conditions shall be as follows and are hereby approved:

1.1 Amount : P10,000,000.00 or bid price or actual construction cost whichever is lower.

1.2 Purpose/s: To finance the following equipment and infrastructure projects:

<u>Infrastructure/Equipment</u>	<u>Amount</u>
I. Infrastructure	
• Completion of Municipal Public Market	P 5,000,000.00
• Installation of Solar Panel Powered Streetlights	1,000,000.00
• Development of Gilles Donated Property (Land Filling/ Embankment)	<u>2,500,000.00</u>
TOTAL	<u>P 8,500,000.00</u>
II. Truck/Vehicle:	
• Acquisition of Garbage Truck (Mini-Dumptruck-Recon)	<u>P 1,500,000.00</u>
GRAND TOTAL	<u>P 10,000,000.00</u>

1.3. Interest rate - at LBP prevailing rate subject to quarterly review (present rate is 6% per annum).

1.4. Term: For Infrastructure Projects:

Ten (10) years inclusive of Two (2) quarters grace period on principal payment.

For Reconditioned Dump Truck:

Up to Three (3) years, no grace period on principal payment.

1.5. Repayment :

Interest – quarterly in arrears to start at the end of the 1st quarter from initial drawdown;

Principal –in equal quarterly amortizations to start at the end of the grace period when applicable or after the 1st quarter from initial drawdown.

1.6. Availability period – One (1) year from loan approval date;

1.7. Drawdown:

Releases shall be dependent on the contract that the LGU will enter in the implementation of individual project, subject to completion/submission of the required loan documentation and pre-release conditions;

Under regular contract for construction, releases will be on staggered basis based on progress billing subject to validation of LBP representative. Proceeds shall be directly credited to the LGU's account maintained with LAND BANK, provided:

- 1.7.1 Initial loan release shall not exceed 15 % of the construction cost/award contract subject to completion of documentary requirements, and
- 1.7.2 Final release shall not be lower than 10% of the loan and subject to 100% completion of the project.

1.8. Pre-release Conditions:

- 1.8.1. Certified true copies of the project Contract, BAC Resolution Re: Winning Bidder and BAC's Notice to proceed.
- 1.8.2. Contractor's All Risk (CAR) Insurance Coverage duly endorsed to LBP, if applicable
- 1.8.3. Latest BLGF Certification
- 1.8.4. Submission of certification of the supplier/s as to the availability of spare parts and post delivery services in the local market of vehicles to be purchased.
- 1.8.5. Submission of the monetary board Opinion on the borrowing of the LGU for the purpose of financing the projects.

II. Other Terms and Conditions

- 2.1.1. Penalty of 24% per annum, in case of non-payment shall be charged to the start on the day after due date of credit accommodation/amortization up to the date of actual settlement.
- 2.1.2. Any cost overrun shall be for the account of the LGU.
- 2.1.3. Implementation of the project shall be in accordance with the Revised implementing Rules and Regulations OF RA 9184 and the harmonized procurement guidelines of the special funder if funded under a special financing program.
- 2.1.4. Insurance coverage of the project/s for financing including annual renewal shall be coursed through local GSIS.
- 5.5 The bank reserves the right to withhold loan releases should there be:
 - 5.5.1. A case filed against the LGU or any of its officials involving the project to be financed;

- 5.5.2. An adverse finding on the project or object of financing;
and
- 5.5.3. Withdrawal by the SP of the authority given to the Local Executive Officer to contract a loan.
- 5.6 The financed project shall be included from the pool of collaterals provided the LGU shall not mortgage, sell or dispose the same while the loan is outstanding.
- 5.7 LBP shall be authorized to debit the borrower's deposit account to cover any loan payment as they fall due.

Security/Collateral:

- Deed of Assignment of Internal Revenue Allotment.

SECTION 4. The Municipality hereby appropriates the entire proceeds of the borrowing exclusively to finance the aforementioned programs and projects and other financial obligations relative thereto.

SECTION 5. Any Ordinance or parts hereof, inconsistent with this enactment is hereby repealed or amended accordingly.

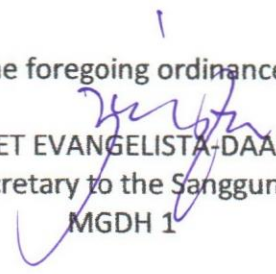
SECTION 6. This ordinance shall take effect upon its publication and compliance will all procedures required under Republic Act No. 7160 of an ordinance for its validity, including the affixation of signatures of the Sanggunian Bayan members, in concurrence thereto, composing at least a majority thereof, out of the total of 10 members, on all the pages of this Ordinance.

SO ORDAINED/ENACTED.

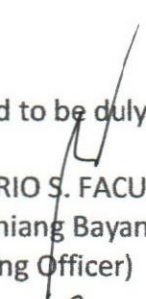
RESOLVED FURTHER, that copies of this Ordinance be furnished the Honorable Mayor, **ATTY. LEAH MARIE A. MORAL-ROMANO**, the Municipal Accountant, **MR. ERNAN M. FUNA**, and the Municipal Auditor, **MR. RAUF SHARIEF NOOR**, this municipality, Province of Davao del Norte and the Bangko Sentral ng Pilipinas for their information and appropriate action.

ADOPTED this 23rd day of January 2017 during the Sangguniang Bayan's 2nd Regular Session.

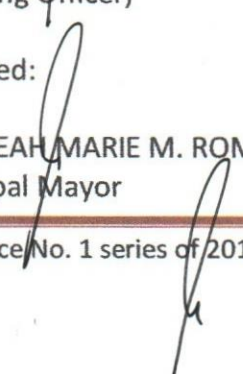
I HEREBY CERTIFY to the correctness of the foregoing ordinance.


JULIET EVANGELISTA-DAANTON
Secretary to the Sanggunian
MGDH 1

Attested to be duly adopted:



GREGORIO S. FACULA, MDMG
Sangguniang Bayan Member
(Presiding Officer)

Approved:


ATTY. LEAH MARIE M. ROMANO
Municipal Mayor

Conformed by:

SANGGUNIANG BAYAN MEMBERS:


HON. GREGORIO S. FACULA, MDMG



HON. MELFAR C. AGUILUZ


HON. ATTY. YASMÍN G. VALLE-CAMPION, REA, REB


HON. RICKY T. DELCO


HON. GERALD J. ABIERA


HON. ANNA C. CAGULADA


HON. NELSON C. BAER, RA